

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

CIVIL NO. 3:05CV206-H

| | | |
|-------------------------------|---|-------------------------------------------|
| UNITED STATES OF AMERICA, |) | DEFAULT JUDGMENT OF FORFEITURE |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | |
| ONE 2001 FORD EXPLORER SPORT, |) | |
| |) | |
| Defendant. |) | |

THIS MATTER is before the Court on the government's motion under Fed. R. Civ. P. 55(b)(2) for a default judgment of forfeiture against the defendant property.

THE COURT FINDS THAT:

1. A verified complaint for forfeiture in rem of the defendant property was filed on May 2, 2005. This Court found probable cause for forfeiture and issued a warrant for arrest in rem.
2. Process was fully issued in this action and returned according to law. Pursuant to the warrant for arrest in rem, the government duly seized the defendant property. Service of process was made by publication of notice in the San Diego Commerce on December 13, 20, and 27, 2005.
3. No person has filed a verified claim or an answer within the time allowed by law, and the Clerk has accordingly entered default.
4. Based on the affidavit of DEA Special Agent Robert C. Smith, filed with the complaint, the government has shown probable cause to believe that the defendant property is proceeds of and/or was used or intended to be used to facilitate drug trafficking crimes and that it is therefore subject to forfeiture under 21 U.S.C. §881(a)(4) and (6).

BASED ON THE FOREGOING FINDINGS, THE COURT CONCLUDES that the government is entitled to a judgment of forfeiture by default against the defendant property.

THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

1. The government's motion for default judgment of forfeiture is hereby granted.
2. Any and all right, title and interest of all persons in the world in or to the following property is hereby forfeited to the United States; and no other right, title, or interest shall exist therein: one 2001 Ford Explorer Sport, VIN 1FMYU60E21UC86932, registered in the name of Griselda Rangel.
3. The United States is hereby directed to dispose of the forfeited defendant property as provided by law.

SO ORDERED, ADJUDGED AND DECREED.

Signed: February 6, 2006

Carl Horn, III

Carl Horn, III
United States Magistrate Judge

